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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,292	07/25/2003	Jeremy Ho	10030627-1	2376

7590 09/19/2005

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,292

Applicant(s)

HO, JEREMY

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nolting et al (6,351,453).

Consider claims 1-3, 10-13. Nolting teaches a method of identifying work at home users of a telecommunications network, comprising retrieving records describing phone calls (fig(s) 1b; column(s) 9, line(s) 45 through column(s) 11, line(s) 8); and identifying phone numbers from records that exhibit characteristics of work at home users (column(s) 11, line(s) 44-54).

Consider claims 4, 14. Column(s) 11, line(s) 16-54 reads on the limitation selecting records describing calls to phone numbers of known ISP.

Consider claims 5, 15. Column(s) 11, line(s) 46-48 reads on the limitation of excluding records describing calls less than a predetermined length of time (e.g., short time).

Consider claims 9, 18. Column(s) 11, line(s) 16-54; column(s) 23, line(s) 56-59; and column(s) 26, line(s) 12-43 read on the limitation of generating a list of ISP phone numbers for which associated call at homers are to be identified.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8, 16-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al (6,351,453).

Consider claims 6-8, 16-17. Nolting further teaches CDR is an accounting record produced by Switches to track Call Type, Time, Duration, Facilities used, Originator, Destination, etc. CDRs are used for customer billing, rate determination, network monitoring, and facility capacity Planning (column(s) 11, line(s) 50 through column(s) 12, line(s) 26). Nolting also teaches identifying phone numbers from records that exhibit characteristics of work at home users (column(s) 11, line(s) 44-54; column(s) 23, line(s) 35-59; column(s) 28, line(s) 39 through column(s) 29, line(s) 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to study records that contain only originating numbers with records describing calls to an ISP that occur during normal business hours, for instance, from 8:00AM to 4:00PM, Monday to Friday.

Consider claim 19. Nolting teaches a method of identifying work at home users of a telecommunications network, comprising retrieving records describing phone calls (fig(s) 1b; column(s) 9, line(s) 45 through column(s) 11, line(s) 8); and identifying phone numbers from records that exhibit characteristics of work at home users (column(s) 11, line(s) 44-54). Nolting further teaches CDR is an accounting record produced by Switches to track Call Type, Time,

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Duration, Facilities used, Originator, Destination, etc. CDRs are used for customer billing, rate determination, network monitoring, and facility capacity Planning (column(s) 11, line(s) 50 through column(s) 12, line(s) 26). Nolting also teaches identifying phone numbers from records that exhibit characteristics of work at home users (column(s) 11, line(s) 44-54; column(s) 23, line(s) 35-59; column(s) 28, line(s) 39 through column(s) 29, line(s) 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to study records that contain only originating numbers with records describing calls to an ISP that occur during normal business hours, for instance, from 8:00AM to 4:00PM, Monday to Friday.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 571-272-7503. The examiner can normally be reached on 7:00AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Duc Nguyen
Primary Examiner
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9/14/05